

December 19, 2016

Members, Newark Central Planning Board  
City Hall  
Newark, NJ 07102

Dear Planning Board Members:

On behalf of the Ironbound Community Corporation (ICC), and on behalf of and with the support of the Newark Community Development Network, which includes New Community Corporation, La Casa de Don Pedro, the Urban League of Essex County, the Lincoln Park Coast Cultural District and others, I am expressing our support for an Inclusionary Zoning Ordinance with recommendations to strengthen the proposed Ordinance.

I offer these comments supported by 30 years of involvement in Inclusionary matters, including sponsoring and contributing to as a Hoboken City Councilman one of the State's first Inclusionary Ordinances in 1986.

Earlier this year, Ironbound Community Corporation provided the City with and promoted a draft Inclusionary Ordinance. Subsequently, the Mayor invited Rich Cammarieri and me into his administrative staff meetings to participate substantively in discussions regarding the development of an Inclusionary Zoning Ordinance (IZO). We are deeply grateful to the Mayor for this access and for his support of an Inclusionary Zoning Ordinance, which was recommended in the Mayor's Transition Plan.

The proposed Ordinance you have before you largely models the ICC draft, which aimed to meet the following goals:

- Keeping Newark income-diverse and affordable for families as the City grows
- Growing affordability without dis-incentivizing development
- Supporting development that abides by the Zoning Ordinance and, conversely, ensuring that density, FAR, height, change of use and other "c" and "d" variances are not given away "free"

While the proposed Ordinance was modeled after the ICC draft and aims to produce more affordable housing in the City, it is significantly weaker than need be because:

- It exempts most projects within the City:
  - Exempts all projects at Planning Board
  - Exempts all projects less than 30 units
  - Exempts substantial rehabilitation
- The Central Business District is not covered until 2018.
- Projects in High Density Census Tracts – that is, most of the City - remain affordable for only 10 years, effectively making them exempt from Rent Control.



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Newark, NJ 07105  
973-465-0555

**EARLY LEARNING CENTER**  
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Newark, NJ 07105  
973-589-6873

**FAMILY SUCCESS CENTER WEST**  
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**COMMUNITY CENTER**  
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Community Development  
Community Gardens,  
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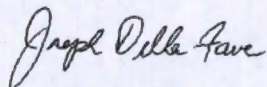


We strongly recommend that in your review of this Ordinance you recommend to the City Council the following changes that will produce and sustain more affordable units and allow Newark to grow as an inclusive community:

- **Duration.** All projects should be covered for a period of 30 years without exception. The proposed Ordinance mandates a 30 year commitment to affordability with the exception of "High Poverty Census Tracts" (most of the City), which only carry a 10 year commitment. This loophole needs to be closed and the 30 year term should remain intact for all projects, thus providing the transition into Rent Control for the affordable units.
- **Substantial Rehabilitation.** The Ordinance should apply to Substantial Rehabilitation projects. It is standard to include Substantial Rehabilitation projects as well as new construction in Inclusionary Ordinances; otherwise, large residential projects in renovated old buildings will be unnecessarily exempt.
- **Threshold Project Size.** The Ordinance should apply to all projects of 20 units or more that are presented at either the Planning Board or the Zoning Board of Adjustment. It is larger projects that can support the inclusion of affordable units.
- **Zoning Board.** The Ordinance should apply to all Zoning Board projects that receive "c" and/or "d" variances, regardless of size; otherwise they are getting free public bonuses with no give-backs. For example, if a Zoning Board project gets approval to double its density from 10 to 20 units, it gets a great benefit towards its bottom line with no compensatory responsibility since it is not covered by the proposed threshold number of units. At the very least, a sliding scale could be applied:
  - Projects of 10-19 units have a 10% set-aside responsibility.
  - Projects of 20 units or more have a 20% set-aside responsibility.
- **Downtown/ Central Business District.** The Ordinance should apply to the Central Business District immediately. Delaying application of the IZO to downtown (Central Business District) until 2018 opens the potential for projects to get their approval prior to 2018 with no affordability responsibility and thereby allowing downtown to develop as an exclusive market (i.e., luxury) rate enclave. This would not meet the vision of having Newark grow inclusively and for all incomes; further, it may contribute significantly to gentrification and displacement.

We believe these recommendations balance the needs of city residents and a revitalized city, and offer one counter measure toward gentrification and displacement. Thank you for the opportunity to address this important matter. We would be happy to participate in any future discussions of this issue.

Sincerely,



Joseph Della Fave  
Executive Director

C: Hon. Mayor Ras J. Baraka  
Hon. Municipal City Council Members  
Newark Community Development Network  
ICC Board of Trustees